

RESOLUTION 2018-031

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS, CALIFORNIA, SUBMITTING A LOCAL GENERAL REVENUE TAX MEASURE TO THE VOTERS AT THE TUESDAY, NOVEMBER 6, 2018, GENERAL MUNICIPAL ELECTION

WHEREAS, Town of Los Gatos residents have indicated that the quality of life in Los Gatos is highly valued; and

WHEREAS, the Town of Los Gatos has over \$70 Million in unmet infrastructure needs for projects such as pothole, street, and road repair, the proper maintenance of which are important to maintaining local property values and quality of life; and

WHEREAS, the Town seeks to not only maintain, but enhance neighborhood police patrols and local crime prevention programs, both of which are priorities identified by the public; and

WHEREAS, the Town also seeks to improving traffic flow to reduce traffic congestion; and

WHEREAS, Revenue & Taxation Code § 7285.9 authorizes the Town Council to levy a transactions and use tax for general purposes, if the ordinance proposing that tax is approved by a two-thirds vote of all members of the Town Council and by a majority of the qualified voters of the Town voting in an election on the issue; and

WHEREAS, locally-enacted funding sources such as a voter-approved sales tax are not subject to seizure by the State, and must be spent in Los Gatos to maintain its local services; and

WHEREAS, the Town Council has, by a two-thirds vote of all its members, approved the Town of Los Gatos Transactions and Use Tax Ordinance of 2018 (the "Ordinance"), attached as Exhibit A to this resolution and incorporated by reference. All references to the "Board of Equalization" in the Ordinance shall include any successor organization responsible for administration of the Tax; and

WHEREAS, the Ordinance imposes a one-eighth of one percent (0.125%) Transactions and Use Tax (the "Tax") to be collected as set forth in the Ordinance; and

WHEREAS, the Ordinance requires Independent Citizens Oversight, mandatory financial audits, and yearly reports to the community to ensure funds are spent as promised and would sunset in 20 years; and

WHEREAS, the Tax must be approved by the electorate to be effective; and

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, an election shall be held on November 6, 2018, for the submission to the voters of a question relating to a one-eighth of one percent (0.125%) Transactions and Use Tax (the "Tax"); and

WHEREAS, it is desirable that the election be consolidated with the statewide election to be held on the same date, and that within the Town, the precincts, polling places, and election officers of the two elections be the same; and

NOW THEREFORE, BE IT RESOLVED, that the Town Council orders as follows:

Section 1. The Town Council hereby submits the proposed ordinance set forth in Exhibit A, attached hereto and incorporated in this Resolution by this reference, to the qualified voters of the Town at the Election, and orders that a proposition shall appear on the ballot in the following form:

"Shall the measure to fund essential Town services such as maintaining neighborhood police patrols; improving traffic flow to reduce congestion; repairing potholes and fixing neighborhood streets; maintaining the Town's long-term financial stability and other unrestricted general revenue purposes by enacting a one-eighth cent (\$0.125%) sales tax for 20 years, providing about \$800,000 annually, requiring Independent Citizens Oversight with public review of spending, and all revenues controlled locally, be adopted?"	YES
	NO

The measure requires a simple majority of the voters voting on the proposed ordinance to pass.

Section 2. That the "full text" of the proposed ordinance shall appear in the Voter Information Pamphlet. The "full text" of the proposed ordinance is attached to this resolution as "Exhibit A."

Section 3. The Town Clerk Administrator shall transmit a copy of the Measure to the Town Attorney. The Town Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the measure, and transmit such impartial analysis to the Town Clerk Administrator within ten (10) days of the adoption of this Resolution.

Section 4. The Town Council authorizes members of that body collectively or individually, or any Los Gatos voter or bona fide association of citizens or combination of voters and associations to submit a written argument for or against the measure. Such argument, whether in favor or against, shall not exceed 300 words and be accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal

officers. Primary arguments in favor of and against the measure must be submitted to the Town Clerk Administrator by 5:00 p.m. on August 9, 2018. In the event that more than one written argument is filed in favor of or against the measure, the Town Clerk Administrator shall select one of the multiple arguments in accordance with the provision of Elections Code Section 9287.

Section 5. Pursuant to Elections Code Section 9285, when the Town Clerk Administrator has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Town Clerk Administrator shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the Town Clerk Administrator by August 16, 2018 at 5:00 p.m. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut. This Section shall apply only to the election to be held on November 6, 2018, and shall then be repealed.

Section 6. Pursuant to Elections Code Section 10002, the Town Council hereby requests the Board of Supervisors of the County of Santa Clara to make available the services of the Registrar of Voters for the purpose of performing the usual services necessary in the conduct of the consolidated general municipal election, including the provisions of election supplies and voters' pamphlets; and that upon approval of such requests, the Registrar of Voters of the County of Santa Clara shall be reimbursed for all costs incurred by said services.

Section 7. Pursuant to Elections Code commencing with Section 10400, the Town Council hereby requests the Board of Supervisors of the County of Santa Clara to order the consolidation of the general municipal election to be conducted within the boundaries of the Town of Los Gatos on November 8, 2016, with respect to which the Board of Supervisors of the County of Santa Clara has the power to order a consolidation. The Town Council further consents to and orders the consolidation of the general municipal election hereby called with the statewide general election and acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418.

Section 8. The Town Clerk Administrator is hereby authorized and directed to publish a notice of the general municipal election within the time and in the manner specified in the Elections Code Section 12112. The Town Clerk Administrator is further authorized and directed to do all other things required by law to hold the general municipal election above provided.

Section 9. The Town Clerk Administrator is hereby authorized and directed to certify to the adoption of this resolution and to transmit a certified copy to the Board of Supervisors of the County of Santa Clara and to the Registrar of Voters of the County of Santa Clara.

Section 10. That the Town Manager is authorized to negotiate and execute an agreement with the Board of Equalization in accordance with Revenue and Taxation Code Section 7270 to perform all functions incident to the administration and operation of the ordinance if adopted.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos this 5th day of June, 2018 by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Steve Leonardis, Marico Sayoc, Mayor Rob Rennie

NAYS: Barbara Spector

ABSENT: None.

ABSTAIN: None.

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 6/8/18

ATTEST:



TOWN CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 6/11/18